

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25th DAY OF JANUARY, 2016 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Christopher A. Tuck	-Chair
	Gary D. Creed	-Vice Chair
	Mary W. Biggs	-Supervisors
	April N. DeMotts	
	M. Todd King	
	Annette S. Perkins (arrived 6:20 p.m.)	
	Darrell O. Sheppard	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Corning
  2. Constitutional Officers under Virginia Law

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Riner Public Safety Site

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Juvenile Detention Commission

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
M. Todd King	None	Annette S. Perkins
Gary D. Creed		
Mary W. Biggs		
April N. DeMotts		
Darrell O. Sheppard		
Christopher A. Tuck		

**OUT OF CLOSED MEETING**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
Mary W. Biggs	
April N. DeMotts	
Darrell O. Sheppard	
M. Todd King	
Christopher A. Tuck	

## **CERTIFICATION OF CLOSED MEETING**

On a motion by M. Todd King, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

Gary D. Creed  
Mary W. Biggs  
April N. DeMotts  
Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins (for the time present)  
Christopher A. Tuck

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

#### **ABSENT DURING MEETING**

None

## **INVOCATION**

A moment of silence was led by the Chair.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PRESENTATIONS**

### **Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2015**

John Aldridge with Brown, Edwards & Company, L.L.P., presented Montgomery County's Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2015.

### **General District and Juvenile & Domestic Relations Court – Employee Compensation**

J & D Court Clerk, Amie Blankenship, addressed the Board regarding employee compensation in the J&D Court office. Ms. Blankenship thanked the Board of Supervisors for the new courthouse and security it provides. She also thanked them for providing them with operating funds. Ms. Blankenship described the job duties for the J&D Court and the increase in the number of cases heard every year. She requested that the Board consider providing the J&D Court employees with a 15% salary supplement.

The General District Court Clerk, Kim McKittrick, addressed the Board regarding employee compensation in the General District Court Office. Ms. McKittrick stated that, according to the Code of Virginia, 16.1-69.45 Salaries of Clerks and Personnel, the Committee on District Courts shall fix the salaries and personnel of the district courts. Any county or city may supplement the salaries of the clerks and other personnel of the district court wholly out of local funds. However, no supplements may be paid to the full-time district court judges or substitute judges.

Ms. McKittrick described the job duties for the Montgomery County General District Court and stated that Montgomery County is one of the busiest. She stated in 2015 they had 30,608 cases just in traffic, not counting any civil and criminal cases. Ms. McKittrick requested the Board consider providing the General District Court employees with a 15% supplement.

## **INTO WORK SESSION**

On a motion by Annette S. Perkins, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 17 Preliminary Revenue Projections and State Budget Highlights
2. Treasurer Bank Fees
3. Constitutional Officers under Virginia Law

The vote on the forgoing motion was as follows:

AYE

Mary W. Biggs  
April N. DeMotts  
Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Christopher A. Tuck

NAY

None

FY 17 Preliminary Revenue Projections and State Budget Highlights

Marc Magruder, Budget Manager, provided highlights of the State Budget and FY 17 Preliminary Revenue Projections. Mr. Magruder stated undesignated revenue growth for FY 2017 is estimated to provide \$3 million. Normal growth in revenue is in the \$1-2 million range per year. For FY17, the County is estimated an additional \$1 million in revenue from the change to proration of personal property taxes.

Mr. Magruder reported that the Governor's FY 17 State Budget includes additional \$2,307,277 for the schools. Additional state funding to annualize the 2% raise for constitutional officers in FY 16 adds an additional \$11,014 in local revenue.

Mr. Magruder stated that staff are analyzing budget requests and are proposed to present the County's FY 2017 budget on March 7, 2016. The School Board will present their budget to the Board of Supervisors on February 8, 2016.

Treasurer Bank Fees

The County Administrator reported that the Board had follow-up questions on the Treasurer's request for additional funding to cover the cost of banking fees.

Richard Shelton, Treasurer, stated that based on the County's banking services contract with Union First, the county is required to pay for banking fees that were previously complimentary under the old contract with Stellar One Bank. Funding was budgeted in FY 2016 to cover the fees but an additional \$18,000 is needed. He explained that the County was fortunate not to have to pay for banking fees for years.

The Board asked if the Treasurer issued another RFP for banking services if the fees could be complimentary or lower. The Treasurer believes that if an RFP was issued that the County would not receive any proposals as there was only one received in 2014. He stated that the smaller banks and hometown banks could not handle the high volume of transactions/money the County processes. He indicated that he intends to renew his current contract or banking services.

After a lengthy discussion, the Board thanked Mr. Shelton for his information.

Angie Hill, Financial & Management Services Director, provided information as to funding to the Treasurer's office for banking fees. Due to the County being charged for banking fees an estimated amount was allocated and placed in special contingencies. The Treasurer received the invoice from Union First and the cost was above the amount allocated. An additional \$18,000 is needed to cover the invoice and the remainder of FY 16.

#### Constitutional Officers under Virginia Law

The County Attorney provided information to the Board on the procedures for removing a Constitutional Officer from their position, as follows:

### **Article 7. Removal of Public Officers from Office.**

#### **§ 24.2-230. Applicability of article; certain exceptions.**

This article shall apply to all elected or appointed Commonwealth, constitutional, and local officers, except officers for whose removal the Constitution of Virginia specifically provides.

However, an appointed officer shall be removed from office only by the person or authority who appointed him unless he is sentenced for a crime as provided for in § 24.2-231 or is determined to be "mentally incompetent" as provided for in § 24.2-232. This exception shall not apply to an officer who is (i) appointed to fill a vacancy in an elective office or (ii) appointed to an office for a term established by law and the appointing person or authority is not given the unqualified power of removal.

This article shall be applicable to members of local electoral boards and general registrars, but shall not be applicable to assistant registrars who may be removed from office by the general registrar pursuant to § 24.2-112 or to officers of election who may be removed from office by the local electoral board pursuant to § 24.2-109.

#### **§ 24.2-231. Forfeiture of office by person sentenced for commission of certain crimes.**

Any person holding any public office of honor, profit, or trust in this Commonwealth who is convicted of a felony or any offense for which registration is required as defined in § 9.1-902 and for whom all rights of appeal under Virginia law have expired, shall by such final conviction forfeit his office or post and thereafter may not act therein under his previous election or appointment. A pardon which may be afterwards granted him shall not void the forfeiture.

#### **§ 24.2-232. Vacancy occurring when officer determined "mentally incompetent" (incapacitated).**

A person who is determined to be incapacitated in a judicial proceeding as provided for in Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 shall be deemed for purposes of Article II, Section 1 of the Constitution of Virginia and this title to be "mentally incompetent" as that term is used

in those provisions. The office of any person who is so determined to be incapacitated, shall become vacant and the vacancy filled in the manner provided by law. Notwithstanding the provisions of Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2, however, any officer shall have a jury trial unless it is waived by him or for him by his counsel of record.

**§ 24.2-233. Removal of elected and certain appointed officers by courts.**

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office;
2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:
  - a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance or marijuana;
  - b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia; or
  - c. Possession of any controlled substance or marijuana and such conviction under subdivision a, b, or c has a material adverse effect upon the conduct of such office;
3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office; or
4. Upon conviction, and after all rights of appeal have terminated, of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, peeping or spying into dwelling or enclosure in violation of § 18.2-130, consensual sexual intercourse with a child 15 years of age or older in violation of § 18.2-371, or indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, and such conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2, 3, or 4 may not be subsequently subject to the provisions of this section for the same criminal offense.

**§ 24.2-234. Removal of officer appointed for a term certain.**

Any officer appointed to an office for a term established by law may be removed from office, under the provisions of § 24.2-233, upon a petition filed with the circuit court in whose jurisdiction the officer resides signed by the person or a majority of the members of the authority who appointed him, if the appointing person or authority is not given the unqualified power of removal.

The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.

**§ 24.2-235. Procedure.**

A petition for the removal of an officer shall state with reasonable accuracy and detail the grounds or reasons for removal and shall be signed by the person or persons making it under penalties of perjury. The circuit court shall not dismiss the petition solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal if such error or omission is not material in determining whether the statement of the grounds or reasons for removal provides a reasonable basis under § 24.2-233 to consider the removal of the officer.

As soon as the petition is filed with the court, the court shall issue a rule requiring the officer to show cause why he should not be removed from office, the rule alleging in general terms the cause or causes for such removal. The rule shall be returnable in not less than five nor more than ten days and shall be served upon the officer with a copy of the petition. Upon return of the rule duly executed, unless good cause is shown for a continuance or postponement to a later day in the term, the case shall be tried on the day named in the rule and take precedence over all other cases on the docket. If upon trial it is determined that the officer is subject to removal under the provisions of § 24.2-233, he shall be removed from office.

**§ 24.2-236. Suspension from office pending hearing and appeal.**

In the event of a judicial proceeding under §§ 24.2-231, 24.2-232, 24.2-233, or 24.2-234, the circuit court may enter an order suspending the officer pending the hearing. The court may, in its discretion, continue the suspension until the matter is finally disposed of in the Supreme Court or otherwise. During the suspension the court may appoint some suitable person to act in the



officer's place. The officer's compensation shall be withheld and kept in a separate account and paid to him if and when the judicial proceedings result in his favor. Otherwise, it shall be paid back to the county, city, town or State Treasurer who paid it.

**§ 24.2-237. Who to represent Commonwealth; trial by jury; appeal.**

The attorney for the Commonwealth shall represent the Commonwealth in any trial under this article. If the proceeding is against the attorney for the Commonwealth, the court shall appoint an attorney to represent the Commonwealth. Any officer proceeded against shall have the right to demand a trial by jury. The Commonwealth and the defendant shall each have the right to apply to the Supreme Court for a writ of error and supersedeas upon the record made in the trial court and the Supreme Court may hear and determine such cases.

**§ 24.2-238. Costs.**

A. If a judicial proceeding under this article is dismissed in favor of the respondent, the court in its discretion may require the state agency or political subdivision which the respondent serves to pay court costs or reasonable attorney fees, or both, for the respondent.

B. No person who signs a petition for the removal of an official pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1.

The County Attorney clarified that the Board of Supervisors does not have control of the petition. It is up to the voters of Montgomery County to start a petition and submit it to the Circuit Court.

The Board thanked the County Attorney for explaining this process. The Board also discussed the County's policy on providing supplemental compensation to the Constitutional Officers. The County Attorney clarified that employees in all the constitutional offices are hired at will by the Constitutional Officer. When the Constitutional Officers' term ends then the term of the employees ends also. It is up to the re-elected or newly elected Constitutional Officer to re-appoint the staff.

**OUT OF WORK SESSION**

On a motion by M. Todd King, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

AYE

April N. DeMotts  
Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
Christopher A. Tuck

NAY

None

**RECESS**

The Board took a ten minute recess at 9:05 p.m. and reconvened at 9:15 p.m.

**PUBLIC ADDRESS**

Julia Kimbrough expressed her support for the Clerk of Circuit Court and can't believe there are citizens who are petitioning to get the Clerk removed. Ms. Kimbrough stated there are numerous Constitutional Officers around the State of Virginia that have not re-appointed staff and while it is upsetting to lose a job, the Clerk had every right not to re-appoint members of her staff. She believes Ms. Williams is still doing her job as she was elected to do. Ms. Kimbrough stated it is upsetting to see several Board of Supervisor members supporting the petition and believes they should remain bipartisan

Melissa "Lisa" Gardner expressed her support for the Clerk of Circuit Court. Ms. Gardner believes the Board of Supervisors should not get involved in the duties of a constitutional officer as they have the right not to re-appoint staff. She stated the employees who were not re-appointed are all wonderful but are at-will employees. She also believes the petition against Ms. Williams is a witch hunt and that personal beliefs should not play into this process.

Sarah Bohn expressed her support for the Clerk of Circuit Court. Ms. Bohn understands it is upsetting to lose one's job. She believes Ms. Williams is an excellent clerk and has a vision for the Clerk's office. She asked the Board not to let a petition to remove the Clerk from her position cloud their judgment.

Crystal Kessling, an employee that was not reappointed to the Clerk of Circuit Court office, stated she did not expect to lose her job in December. She was hired in 2008 by Ms. Williams and her last employee evaluation she received 4.75 out of 5. Ms. Kessling thanked the Board for taking the time to listen.

Barbara Middleton stated that taxpayers need to know why the Clerk of Circuit Court did not reappoint five employees. High performance employee evaluations were given to all five employees and were given gleaming praise by the Clerk of Circuit Court during her campaign.

She questioned if the employees were not doing their job why were they not dismissed beforehand.

Karen Myers expressed her concern about the dismissal of five employees from the Clerk of Circuit Court office. Ms. Myers understands that the Board of Supervisors does not have any direct authority but does have some financial control regarding the Clerk's office.

Betty Greene stated that the petition circulating to remove the Clerk of the Circuit Court is being perceived as a political motive. She believes that no matter what political party one belongs to that everyone should expect common decency. She also pointed out that the petition drive is not an effort from a church. Ms. Greene requested the Board of Supervisors to consider eliminating the salary supplement the Clerk receives from the County.

Jeff Vaught, husband of Diana Vaught who was one of the employees not reappointed, spoke about the Clerk of Circuit Court's decision not to reappoint five employees. Mr. Vaught stated that the County lost 80 years of combined experience and it was wrong and unfair treatment of these employees. He does not understand how the Clerk could praise her staff during her election campaign and then not reappoint them.

James Willis wanted to clarify some misleading statements that are circulating about him. He stated he served in the Navy. He got involved in politics and is a member of the Republican Party. He stressed that the petition is not a political witch hunt as the voters signing the petition are from both parties, Democrat and Republican. Mr. Willis also emphasized that he has never been to the church that is being mentioned as one of the reasons a petition is being circulated. He stated under Virginia law, voters have the right to hire and fire public officials.

John Myers stated he knows the Board has no control over the Clerk's Office but they do have control over the supplemental pay to the Clerk. He does not understand how she got rid of her great team that she called remarkable during her campaign speeches. He believes that the actions of the Clerk has made the Clerk's office look bad.

Sherry Burke expressed her concerns regarding the action of the Clerk of Circuit Court by not reappointing five employees. What may be legal does not necessarily make it right.

There being no further speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 25, 2016 was approved. The vote was as follows:

AYE

Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
April N. DeMotts  
Christopher A. Tuck

NAY

None

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the minutes dated July 27, 2015 were approved.

Appropriations and Transfers

**R-FY-16-68  
LIVESTOCK AND FOWL CLAIM  
DALE ALDERMAN**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Dale Alderman is hereby compensated \$200.00 for the loss of eight (8) ducks.

**R-FY-16-69  
APPOINT ALTERNATE TO THE  
PEPPERS FERRY REGIONAL WASTEWATER  
TREATMENT AUTHORITY**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby reappoints **Robert Fronk** as alternate to the **Peppers Ferry Regional Wastewater Treatment Authority (PFRWTA)** effective January 1, 2016 and expiring December 31, 2019.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/ authority.

**R-FY-16-70**  
**WESTERN VIRGINIA REGIONAL JAIL AUTHORITY**  
**APPOINTMENT**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints the following individuals to the Western Virginia Regional Jail Authority effective January 1, 2016 and expiring December 31, 2016.

**Sheriff Hank Partin**                      **Chief Deputy Robert L. Hall (alternate)**

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

**R-FY-16-71**  
**APPOINT SHERIFF PARTIN TO THE**  
**TRANSPORTATION SAFETY COMMISSION**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, that the Board of Supervisors hereby appoints **Sheriff Hank Partin** to the **Transportation Safety Commission** effective January 26, 2016 and expiring December 31, 2019.

**OLD BUSINESS**

**R-FY-16-72**  
**APPOINTMENT**  
**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**  
**CONSORTIUM BOARD**

On a motion by April N. DeMotts, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mary W. Biggs** to the **New River/Mount Rogers Workforce Innovation and Opportunity Act Consortium Board** and appoints **Annette S. Perkins** as her alternate effective January 1, 2016 and expiring December 31, 2019.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
April N. DeMotts  
Darrell O. Sheppard  
Christopher A. Tuck

NAY

None

**NEW BUSINESS**

**R-FY-16-73  
RESOLUTION TO OPPOSE THE CLOSING OF  
CATAWBA HOSPITAL**

On a motion by April N. DeMotts, seconded by M. Todd King and carried unanimously,

WHEREAS, Governor Terry McAuliffe's proposed budget includes development of a plan for closure of Catawba Hospital, reflecting the next step in transforming our mental health system to one that is focused on community-based care and individualized treatment for citizens who need these services; and

WHEREAS, Governor McAuliffe's proposed budget requests \$1 million to plan for the closing of the 110-bed facility in 2018 and move toward more community-based services that would aid people before they require hospitalization; and

WHEREAS, There is an increased demand for both geriatric patients and patients with temporary detention orders when no beds in private facilities are available; and

WHEREAS, The closure of Catawba Hospital would place an undue burden on patients in crisis; and

WHEREAS, Approximately 100 patients are served by Catawba Hospital and family members of the patients are deeply concerned about the safety of their loved ones should they be forced to leave the facility; and

WHEREAS, The addition of 56 beds at Western State Hospital is not enough to cover the losses at Catawba; and

WHEREAS, The loss of 250 jobs and the hospital's \$20 million budget would cause serious negative economic impacts.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby requests that the Catawba Hospital not be closed and that it remain open and continue to accept new admissions for those who need these services.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed

Mary W. Biggs

April N. DeMotts

Darrell O. Sheppard

M. Todd King

Annette S. Perkins

Christopher A. Tuck

NAY

None

**R-FY-16-74**  
**RESOLUTION SUPPORTING HOUSE BILL 294**  
**TO PROHIBIT THE CLOSURE OF THE**  
**SOUTHWESTERN VIRGINIA TRAINING CENTER**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

WHEREAS, The Southwestern Virginia Training Center in Hillsville, Virginia was established in 1975 and has provided quality care throughout the years; and

WHEREAS, Most residents have profound and/or other serious intellectual disabilities, often accompanied by severe medical or behavioral problems and need full time assistance to perform the basic functions of living; and

WHEREAS, The Commonwealth of Virginia will close four of its five institutions for housing the developmentally and intellectually disabled and transition those services to the community under a 10-year, \$2 billion settlement agreement the state entered with the Department of Justice; and

WHEREAS, The Commonwealth of Virginia agreed to close the institutions by 2020, leaving open 75 beds at Southeastern Virginia Training Center in Chesapeake, Virginia. There are currently more than 1,000 people housed at the state's five facilities; and

WHEREAS, Family members of residents are deeply concerned about the safety of their loved ones should they be forced to leave the center; and

WHEREAS, Montgomery County will be impacted with the moving of the residents into the community; and

WHEREAS, The closure of this facility would be detrimental to our community with the responsibility of helping the families from Montgomery County find the care that is the same as, or better, than the care that is currently offered at Southwestern Virginia Training Center.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby supports House Bill 294 that requests the Southwestern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs  
April N. DeMotts  
Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Christopher A. Tuck

NAY

None

**A-FY-16-57**  
**LEAGUE OF WOMEN VOTERS**  
**TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$200)
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TO:

910	League of Women Voters	\$200
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Said resolution provides funds to the League of Women Voters for the 2016 Facts for Voters brochure.



The vote on the foregoing resolution was as follows:

AYE

April N. DeMotts  
Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
Christopher A. Tuck

NAY

None

**R-FY-16-75**

**MONTGOMERY TOURISM DEVELOPMENT COUNCIL  
UNEXPIRED TERM OF SUPERVISOR MATTHEW GABRIELE**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, that the Board of Supervisors hereby appoints **April N. DeMotts** to the Montgomery Tourism Development Council effective January 26, 2016 and expiring August 27, 2016.

Said appointment fills the unexpired term of Supervisor Matthew Gabriele, resigned.

The vote on the foregoing resolution was as follows:

AYE

Darrell O. Sheppard  
M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
April N. DeMotts  
Christopher A. Tuck

NAY

None

**R-FY-16-76**

**RESOLUTION OF APPRECIATION  
FRANK BEAMER**

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard and carried unanimously,

**WHEREAS, *Frank Beamer*** graduated from Virginia Polytechnic Institute and State University (Virginia Tech) in 1969 where he started as cornerback on the football team for three seasons and helped to take the team to the Liberty Bowls in two of those seasons; and

**WHEREAS, *Frank Beamer*** began his coaching career in 1969 as an assistant coach for the Radford High School football team, and went on to serve as assistant coach and defensive coordinator at the Citadel and defensive coordinator, and then head coach at Murray State University where he led the football team to a 42-23-2 record; and

**WHEREAS, *Frank Beamer*** has been the head football coach at Virginia Tech since 1987; and

**WHEREAS,** Over the course of his career he led the Virginia Tech football team to four Atlantic Coast Conference (ACC) titles, 23 bowl games, two bowl game victories and a national championship game appearance; and

**WHEREAS,** Throughout his coaching career, ***Frank Beamer*** consistently demonstrated the essential qualities of leadership, diplomacy, perseverance, and leaves a lasting legacy of his dedication to the students and to Virginia Tech; and

**WHEREAS, *Frank Beamer*** announced that he would retire at the end of the 2015 football season.

**NOW, THEREFORE, BE IT RESOLVED,** By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Frank Beamer*** and congratulates him upon the occasion of his retirement with sincere best wishes for continued health and happiness.

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to ***Frank Beamer*** as a testimonial of the high esteem in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

M. Todd King  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs  
April N. DeMotts  
Darrell O. Sheppard  
Christopher A. Tuck

NAY

None

## **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator thanked the Board for supporting his decision to close County Offices on Friday, January 22, 2016 due to inclement weather.

## **BOARD MEMBERS REPORTS**

**Supervisor King** thanked the County Administrator for looking out for the employees by closing county offices during the inclement weather. He also thanked the General Services Director, Steve Phillips, and his crew for working long hours to ensure all county facilities had snow removed. He commended the Sheriff's Office and all the Fire and Rescue volunteers who have to work in the inclement weather.

**Supervisor Biggs** attended the School Board meeting where the School Board members discussed holding their second meeting of the month in the School Board conference room instead of the Board chambers.

Supervisor Biggs also attended the Dialogue on Race meeting. The Dialogue on Race committee thanked the Board of Supervisors for their contribution to help cover the cost of the annual event.

**Supervisor DeMotts** announced she opposes the closing of the Catawba Hospital and the Southwest Virginia Training Center and is glad to see the resolutions in support to keep both these facilities open were approved tonight.

Supervisor DeMotts echoed Supervisor Kings' comments regarding the first responders and road crew who worked during the inclement weather.

**Supervisor Tuck** thanked all the speakers who came out and spoke about the Clerk of Circuit Court's Office. He commented in regards to the supplemental pay given to the Clerk by the County that no decision will be made tonight on whether to eliminate the supplement. He stated that the Board will be seeking information from the County Attorney.

## **ADJOURNMENT**

The Chair declared the meeting adjourned to February 5, 2016 at 4:30 p.m. The meeting adjourned at 10:15 p.m.

APPROVED _____	ATTEST: _____
Christopher A. Tuck	F. Craig Meadows
Chair	County Administrator